

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS E. STENNETT,

Plaintiff,

Case No. 05-CV-74358

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOCUMENT # 11) AND GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

This matter is one in which plaintiff Thomas Stennett challenges the Social Security Administration's determination to deny his application for disability and disability insurance benefits. As provided by 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(2), the case was assigned to Magistrate Judge Whalen for pre-trial proceedings.

Before the court is the magistrate's Report and Recommendation, filed January 29, 2007, concerning the parties' cross-motions for summary judgment. The magistrate recommends that defendant's motion for summary judgment be denied, that plaintiff's motion for summary judgment be granted, and that the case be remanded for an award of benefits.

In Magistrate Whalen's Report and Recommendation, the conclusion section clearly stated that objections to his report and recommendation were to be filed within

10 days of service of a copy thereof. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b).

However, defendant Commissioner has filed no objections to the report and recommendation to date. The failure to file such objections waives a party's right to further appeal. Howard v. Secretary of Health & Human Services, 932 F.2d 505 (6th Cir. 1991).

The court has considered the pleadings and the report and recommendation of the magistrate in this matter. For the reasons stated in the well-reasoned report and recommendation of Magistrate Judge Whalen, plaintiff's motion for summary judgment is hereby GRANTED, defendant's motion for summary judgment is DENIED, and the case is remanded for an award of benefits.

IT IS SO ORDERED.

Dated: March 1, 2007

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
March 1, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk